

Applicant : Mundy *et al.*
Serial No. : 09/805,840
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Attorney's Docket No.: 10274-034001 / A061 US 002

REMARKS

Upon entry of the present amendment, claims 1, 2, 4, 5, 9, 31, 32, 40, 42-48 will be pending and under examination. New dependent claims 45-48 have been added, which are supported by the specification as originally filed. No new matter has been added.

Interview Summary

Applicants and the undersigned thank the Examiner for the courteous telephonic interviews of October 17, 2005, and October 19, 2005. In the interview of October 19, 2005, the Examiner suggested filing of Applicants' arguments with regard to a lack of interchangeability in the form of a declaration to overcome the obviousness rejection. It is Applicants' understanding, from the interview, that such a declaration (which is filed herewith) will overcome the sole remaining rejection.

Rejections under 35 U.S.C. § 103(a)

Claims 1, 2, 4, 5, 9, 31, 32 and 42-44 stand rejected as unpatentable over U.S. Patent No. 6,495,525 ("Lee") in view of WO 95/19790 ("790"). Applicants respectfully disagree.

Lee teaches the use of oMePUPA-V to treat multiple myeloma. '790 teaches the use of an anti-VLA-4 antibody to treat inflammation.

One of ordinary skill in the art would not, at the time of filing, have believed that an anti-VLA-4 antibody and an anti-VLA-4 small molecule were interchangeable for the treatment of multiple myeloma. This is shown by the Second Declaration of Dr. Blake Pepinsky under 37 C.F.R. 1.132 ("the Second Declaration", filed herewith). The Second Declaration provides:

- that the structure and function of the molecules are very different (*see* numbered paragraph 5 of the Second Declaration);
- that they bind different sites (*see* numbered paragraphs 5 and 6 of the Second Declaration); and
- that Lee itself, in a side-by side-comparison, demonstrates that an anti-VLA-4 antibody and an anti-VLA-4 small molecule are not interchangeable (*see* numbered paragraph 7 of the Second Declaration).

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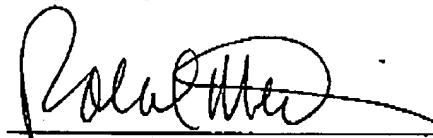
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Thus, there was no motivation to replace the oMePUPA-V small molecule of Lee with the anti-VLA-4 antibody of '790—one of ordinary skill would not have thought they were interchangeable. Even if there was some motivation to combine, there would not be a reasonable expectation of success, as one of ordinary skill would not have thought the two types of molecule were interchangeable. Accordingly, Applicants request that the rejection be removed and the claims passed on to allowance.

No fee is believed to be due. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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